

BY AUTHORITY.
LAWS OF NEW JERSEY.

CHAPTER CCCXXIII.

An Act to authorize the Township of Clinton, in the County of Essex, to appoint a Receiver of Taxes and for other purposes.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the township committee of the township of Clinton, in the county of Essex, shall annually so soon after their election and due qualification for their office as said committee deem proper, appoint an officer to be called the receiver of arrears of taxes, who shall hold office for one year from his appointment, and who, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation before some person authorized by the laws of the state of New Jersey to administer oaths and affirmations, faithfully and impartially to execute the duties of his office and who shall also enter into bond to the said township in its corporate name with such sureties and in such amount as the said township committee shall direct for the due and faithful performance of the duties of his office.

2. And be it enacted, That it shall be the duty of the township collector on or before the first Monday in April of each and every year, to return to said township committee a list of all taxes upon real estate remaining unpaid in his hands with a description of the lands upon which such taxes were assessed as made by the assessor of said township, and thereupon the said township committee shall issue a warrant under their hands and seals or the hands and seals of a majority of them, to be directed to said receiver of taxes commanding him to make said taxes, with the interest, and costs and fees thereon, hereinafter specified, of the lands, tenements, hereditaments or real estate on account whereof the same were assessed as aforesaid, and of which the assessor's description shall be therein set forth, unless corrected as hereinbefore provided, by setting the same, or any part thereof, as being sufficient for that purpose, for the short time for which an action or a partition will agree to take the same, and pay such taxes, with the interest thereon, and all costs, fees, charges and expenses; and further directing the said receiver to, pay the money or moneys raised by such sale to the said township committee, and to make return of said warrant and his proceedings thereto under to said township committee, to be filed by the clerk of said township among the other papers in his office.

3. And be it enacted, That the warrant, specified in the last preceding section, shall, before the execution thereof, be recorded by the clerk of said township in a book, to be provided for that purpose; which said record thereof shall be received as evidence in the several courts of this state.

4. And be it enacted, That it shall be the duty of the said receiver, before he sells by virtue of said warrant, to give notice of the time and place of the sale, of any lands or real estate under this act, by advertisement signed by said receiver and inserted in a newspaper printed and published in said township, or in the county where the sale is to take place, for at least sixty days, once in each week, until the time appointed for such sale; and also set up for the same period, in five of the most public places in said township, one of which shall be at or near the lands, tenements, hereditaments or real estate, to be sold; provided, however, such sale may be adjourned from time to time, not exceeding ninety days in the whole.

5. And be it enacted, That it shall and may be lawful for the said receiver, to whom such warrant shall be directed, at the time and place specified in the above required notice, or at the time and place to which he shall adjourn, as provided for in the last preceding section, to sell and strike off such lands and real estate as may be set forth in said warrant, or any part thereof, to such person or persons as will agree to take the same for the shortest term, and pay such taxes as may be assessed as aforesaid on account thereof, and the interest thereon, and all costs, fees, charges and expenses; and thereupon the receiver, and deliver to any such person or persons, due for the same, under his hand and seal, and such person or persons, and his, her, or their legal representatives, shall by virtue thereof, lawfully hold and enjoy the said lands and real estate, during the term for which he, she or they, shall have purchased the same, for his, her, or their own proper use and benefit, against the owner and owners thereof, and all and every person or persons claiming under him, her, or them until said term shall be fully completed and ended; and such purchases or purchases shall be liberty, at or before the expiration of said term, to remove any building, or buildings and materials, erected, or placed by him, her or them, thereon, and at the expiration of said term shall peaceably and quietly yield up the same to the lawful owner or owners thereof, in as good order and condition, as the same were when possession thereof was taken under said sale, damage resulting from ordinary use and the elements excepted.

6. And be it enacted, That it shall and may be lawful for the owner or owners of such lands, estates sold as aforesaid, his, her, or their legal representatives, or any or any mortgagee or assignee thereof, or any judgment creditor or creditors, or any other person or persons having a less or equitable interest therein, to demand the said land or real estate by the payment, within three years from the day of such sale, to the said township committee for the benefit of said purchaser, his heirs or assigns, of the amount originally paid by him and any other tax or assessment which he may have paid and of which he may have given written notice to the said township committee, together with interest on such payments from the time they were made, at the rate of fifteen per cent per annum, and upon such money being deposited with said township committee and notice thereof being given to the said purchaser or purchasers, his, her, or their legal representatives, payment of such real estate shall be immediately deferred, and said township committee, upon demand shall pay to the said purchaser or purchasers, his, her or their legal representatives, the amount of money so deposited with them as aforesaid.

7. And be it enacted, That no mortgagee or assignee of any mortgage recorded or registered according to law prior to any such sale shall be divested of the right of, in and to any real estate sold as aforesaid, unless six months' notice of such sale shall be given to such mortgagee or assignee in writing by such purchaser or purchasers, or some person or persons claiming under him, her or them, which notice shall be served personally, if said mortgagee or assignee be a resident of said county, and if not

such notice shall be addressed to the place of residence of such mortgagee or assignee, as stated in said mortgage or the assignment thereof, and if any such land and real estate shall be so redeemed by any mortgagee or assignee, or by any judgment creditor, the amount actually paid, and the redemption shall be a like sum of such land and real estate, with the legal interest thereon from the time of payment, and shall be collected and recovered in the same manner, and at the same time, as if included in said mortgage or judgment.

8. And be it enacted, That all taxes which may be assessed upon real estate, by the said township of Clinton, shall be paid and remitted to the same from and after the twentieth day of October, in the year during which such taxes were assessed, and until the same are paid; and said taxes shall be and remain such lien, notwithstanding any mistake, or omission of the name or names of the owner or owners of such real estate, or mistake in the description thereof; and, in case of any such mistake, or omission, such assessment, and all proceeding under and by virtue of this act, shall be valid and effectual, and binding upon all parties; and in case of a mistake in the description of the said real estate in the assessment, or in the name or names of the owner or owners thereof made by the assessor of said township, it shall and may be lawful for the said committee to correct such mistake, and to describe said land and premises, and the name or names of the owner or owners correctly, in the said warrant to be issued by them as aforesaid, so that the said real estate may be identified, and said receiver shall proceed to make sales under said warrant, in the manner herein prescribed, of said real estate, according to such corrected description; and such sale so made by him, shall, in all respects, be valid and effectual, and binding upon all parties to all intents and purposes, the same as though there had been no mistake or omission in the name or names of the owner or owners, or error in the description of said real estate.

9. And be it enacted, That all sales of such real estate, under and by virtue of said warrant, shall be made by the said receiver on the first day of November, and thereafter, at succeeding times when said warrant shall be delivered to him as aforesaid; but in case it shall so happen that said receiver shall be obliged to adjourn the sale of any real estate, under and by virtue of said warrant, to a day after said first day of November, it shall and may be lawful for said receiver to sell any land, the sale of which may be so adjourned as aforesaid, and such sale shall be as valid and effectual, and binding upon all parties, the same as though made before the first day of November.

10. And be it enacted, That the said receiver shall, immediately after receiving said warrant, report on or before the first day of each month thereafter to the said committee, his proceedings, under and by virtue of said warrant, and to pay over to the said committee any money collected by him on account of said unpaid taxes; and it shall also be the duty of said receiver, immediately after any sale made by him, and under and by virtue of said warrant, to report to said committee his proceedings under said sale, and to pay over to the said committee all money in his hands, received by him on account of said unpaid taxes, less his legal fees and costs; and in case of any failure on his part to make said report within ten days after the time above specified, or to pay over any money received by him on account of said unpaid taxes, within ten days after receiving such money, he shall forfeit and pay the sum of fifty dollars, to be recovered from him in an action of debt, instituted in any court having competent jurisdiction thereof, in the corporate name of said township.

11. And be it enacted, That the receiver to whom such warrant shall be directed shall be entitled to receive the sum of one dollar for executing the same, and in addition thereto, two cents on each dollar by him collected and paid over to the said township committee; and for advertising such sale, the same fees which sheriffs in the state of New Jersey are entitled to for like services; and for each deed actually delivered, and for each deed actually delivered, charges, clerks, and expenses; and the township committee shall be entitled to receive for said warrant the sum of one dollar, and the clerk of said township, for recording and filing the same, the sum of fifty cents.

12. And be it enacted, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 24, 1874.

CHAPTER CCCCLVII.

A further supplement to the act entitled "An act to revise and amend the Charter of the City of Newark," approved March eleventh, one thousand eight hundred and forty-five.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That whenever it shall be deemed by the common council of the city of Newark expedient and necessary to take and appropriate or divert or make use of any body or stream, or portion of water, in or for the construction or use or outlet of any sewer or drain in the city of Newark, or in connection with any such construction or use or outlet, it shall be lawful for the common council of said city, at any time, to appoint five disinterested freeholders, residing in different wards in said city, commissioners to make an estimate and assessment of the damages which any owner or owners of, or the person or persons having any legal claim or right to the use or enjoyment of said body or stream or portion of water will sustain by said taking and appropriating or diversion or use, and cause a just and equitable assessment of the amount of said estimate and assessment of damages, and of all the costs and expenses in the premises, either in whole or in part, to be made upon the owner or owners of all the lands and real estate benefited thereby, by commissioners, as near as may be in accordance with the provisions of the city charter of said city of Newark, approved March eleventh, one thousand eight hundred and forty-five, and of the supplements thereto, relating to the assessment of damages and the assessment of the costs, damages and expenses in the matter of the construction of any sewer or drain in said city by commissioners to be appointed for that purpose or the commissioners appointed by the said common council to make an assessment of the damages which any owner or owners of lands and real estate by the payment, within three years from the day of such sale, to the said township committee for the benefit of said purchaser, his heirs or assigns, of the amount originally paid by him and any other tax or assessment which he may have paid and of which he may have given written notice to the said township committee, together with interest on such payments from the time they were made, at the rate of fifteen per cent per annum, and upon such money being deposited with said township committee and notice thereof being given to the said purchaser or purchasers, his, her or their legal representatives, payment of such real estate shall be immediately deferred, and said township committee, upon demand shall pay to the said purchaser or purchasers, his, her or their legal representatives, the amount of money so deposited with them as aforesaid.

2. And be it enacted, That hereafter every tax or license to sell ale, beer, porter, cider or wine, shall, before such license shall be granted, be published, together with the names of the signers for at least two weeks, in one of the newspapers of said city, and at the expense of such applicant,

water, in or for the construction or use or outlet of said sewer or drain, or in connection with any such construction or use or outlet, and by such sums so estimated and assessed as damages by said commissioners.

3. And be it enacted, That all acts and parts of acts inconsistent with this act be, and the same are hereby repealed, and this act is hereby declared to be a public act, and shall take effect immediately.

Approved March 26, 1874.

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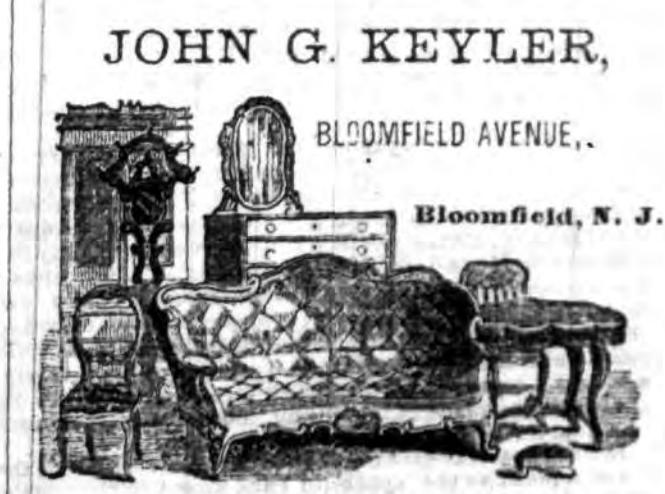
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